IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO :5341 of 2006

DATED: 19.01.2007

Between:

K.Suneetha. **…Petitioner**

And

The Principal, A.P.T.W.R.S & Junior College (Boys),
K.R.Puram, Buttaigudem Mandal, W.G. District and ors.
…**Respondents**

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.5341 OF 2006

ORAL ORDER:

This writ petition is filed seeking a direction to the respondents 1 and 2 to appoint the petitioner as Attender by conversion from M.P.W in terms of the proceedings of the 3rd respondent in R.C.No.463/B2? 2005-06, dated 27-10-2005.

The petitioner states that she was appointed as Ayah on temporary basis by the proceedings dated 27-02-1992 of the Special Officer, A.P. Tribal Welfare Educational Society (Girls), Buttaigudem, West Godavari and thereafter her services were regularized. Subsequently she was transferred from A.P.T.W.R School and Junior College, Buttaigudem to A.P.T.W.R School and Junior College, K.R. Puram as M.P.W by the proceedings of the 2nd respondent dated 28-8-2003. She states that the Non-Teaching Staff Association of Gurukulam requested for conversion of MPWs to Attenders/Cooks wherever such posts fall vacant in APTWR institutions instead of making direct recruitment. During the meeting of TREINTA members with the member secretary on 12-05-2005 it was agreed to allow the principals of APTWRE Institutions to utilize the services of MPWs as Attenders/Cooks in Special Cases on health grounds after taking the approval of Project Officer, ITDA concerned/District Collector in Non-ITDA. Subsequently, the member Secretary, Gurukulam,

Hyderabad/the 3rd respondent issued proceedings dated 27-10-2005 for converting the posts of MPWs into Attenders/Cooks on health grounds. Pursuant to the proceedings dated 27-10-2005 petitioner submitted representation on 07-02-2006 to the 1st respondent requesting to appoint her as Attender from MPW on health grounds enclosing the Medical Certificate given by the Assistant Civil Surgeon, Government Hospital, Kovvur. Along with the petitioner two other persons who are junior to the petitioner also made representation for conversion. The petitioner states that out of three posts of Attender counseling was conducted for only one post and the petitioner and the 4th respondent attended the counseling on 22-02-2006. It is the grievance of the petitioner that the 1st respondent overlooking the petitioner who is suffering from serious gynecology problem has appointed the 4th respondent as Attender by conversion on health grounds and such action of the 1st respondent is illegal and arbitrary.

A counter affidavit is filed by the respondents denying the writ averments and stating that the petitioner requested for conversion as Attender on the ground that she is suffering from Allergic Runsnitis disease and the 4th respondent/2nd applicant requested for conversion on the ground that she is suffering from T.B. The Principal of the respondent society has submitted a note on 07-02-2006 to the Project Officer concerned for conversion of one of the said two candidates to work as Attender in the institution of the 3rd respondent Society. The Project Officer called the petitioner and the 4th respondent and accordingly the two individuals attended and the Project Officer while reviewing the issue has called the Medical Officer, PHC, Buttaigudem, Doramamidi and Antervedigudem and in their presence, the medical

certificates of both the petitioner as also the 4th respondent were examined and their health conditions were also examined by the Doctor. It is stated that as per the medical certificates and health conditions, the Project Officer giving priority to the 4th respondent has converted the 4th respondent as Attender. The contention of the petitioner that there are 3 vacancies in the institutions of West Godavari District is denied as untenable and stated that as per MPWs as per the proceedings of the Member Secretary permission for utilization of MPWs as attenders was confined only to the institutions where the MPWs are working.

Heard the learned counsel for the petitioner as also the learned counsel for the respondents.

It is to be noted that the case of the petitioner and the 4th respondent were considered by the concerned authorities and after taking into consideration the opinion of the Doctors, the 4th respondent who is suffering from T.B. was converted to the post of Attender. The Doctor after examining the petitioner and the 4th respondent and also the medical certificates has opined that the petitioner is in better health condition than the 4th respondent. Hence, it cannot be said that the 4th respondent was converted to the post of Attender ignoring the claim of the petitioner. Apart from that by conversion from MPW to Attender petitioner as well as the 4th respodent does not get any extra financial benefits or any other benefits.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 19.01.2007

grk/

THE HON'BLE MR JUSTICE N.V. RAMANA

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